

**REMARKS**

In his office action of May 20, 2005, the Examiner rejected claims 1 through 7, 13 through 17, and 20 through 23, citing new ground(s) of rejection. In response to the office action, applicant has amended several of the claims. Reconsideration of claims 1 through 7 and claims 13 through 25, as amended, is respectfully requested.

On page 2 of the office action, the Examiner rejected claims 1 through 3, 13 through 17, and 19 through 23 under 35 U.S.C. § 102(b) as being anticipated by Ferris *et al* (U.S. WO 99/04568).

The Ferris invention reference requires that a host transmit Programme Associated Data (PAD), via a radio link from a central processing station, to the device, where it is displayed to the user. The PAD appears on the display, and the user responds to the display on the unit; the user is limited to choices displayed on the device, and cannot input his own response data. The present invention, on the other hand, provides means for a user to respond to any type of programming, whether live or recorded, by simply using a response device with a key pad, over a communication system such as a two-way paging system. The response system is not tied to any one type of programming over a particular medium. Obvious uses include responding to programs broadcast over television, radio, or streaming internet, but the invention can also be used with prerecorded media, such as audio tapes or video tapes, or even at live events.

Further, the Ferris device does not control a user's input of a program identifier code for a program. The term "PADUID" refers simply to a unique identifier for the PAD display data which is transmitted from the host to the user's device and to which the user responds.

The only "program" to which the user can respond is the one with which the PAD is associated. The present invention, on the other hand, requires the user to input a program code for the particular programming event, thereby allowing a respondent to identify the exact event to which he is responding. For example, viewers of a live event, such as an auto race, may input a particular program code in order to respond to and be grouped with, people responding to a particular driver's actions.

Finally, unlike the present invention, Ferris cannot be used to respond to live events; the PAD is sent by the host to the user as part of the broadcast program.

Nonetheless, applicant has amended claims 1, 13, and 20 to more particularly claim the subject matter of his invention. In amending these claims, applicant specifically claims the requirement that a user input a program identifier code for a program. Further, amended claim 1 now claims that the response device is used to respond to programming received apart from the response device (not to PAD received over the response device, as in Ferris). As amended, claims 1, 13 and 20 should be allowable over Ferris.

In his rejection of claims 2 and 3 (as well as claims 17 and 23, by reference), the Examiner indicated that Ferris discloses "wherein the input mechanism is selected from the group consisting of a keypad and voice recognition apparatus." However, Ferris makes no reference at all to voice recognition apparatus. In any event, claims 2 and 3, which depend on claim 1, as amended, should now be allowable. I. claims 14 through 17, which depend on claim 13, as amended, should be now be allowable; and claims 21 through 23, which depend on claim 20, as amended, should be allowable as well.

On page 5, the Examiner rejected claim 4 under 35 U.S.C. §103(a) as being obvious over Ferris. Applicant has previously noted that Ferris makes no reference at all to voice

recognition apparatus. Furthermore, applicant submits that its amendments to claim 1 have made it allowable over Ferris and therefore Ferris does not render claim 4 obvious. It appears that the Examiner also rejected claims 5, 6, 18, and 24 on the same ground. Claims 5 and 6, which depend on claim 1, as amended, should also be allowable. Claim 18, and claim 19, which the Examiner does not address in the office action, which depend on claim 13, as amended, should also be allowable. Claim 24, which depends on claim 20, as amended, should also be allowable.

On page 7 of the office action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Ferris *et al* (U.S. WO 99/04568) in view of Yoshinobu *et al*. (U.S. 5,721,584). Claim 7, which depends upon claim 1, as amended, should now be allowable over Ferris in view of Yoshinobu.

On page 8 of the office action, the Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Ferris *et al* (U.S. WO 99/04568) in view of Lewis *et al*. (U.S. 5,303,042). Claim 25, which depends upon claim 20, as amended, should now be allowable over Ferris in view of Lewis.

In light of the foregoing arguments, and upon entry of the amendments, allowance of claims 1 through 7 and 13 through 25 should be in order and is respectfully requested.

Date: June 24, 2005

Respectfully submitted,



Mary J. Gaskin  
Attorney for Applicant  
Registration No. 30,381  
2170 Buckthorne Pl., Suite 220  
The Woodlands, TX 77380  
Phone: (281) 363-9121  
Fax: (281) 363-4066

cc: Edwin Lyda